

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRIAN ISIAH HOLMES, JR.,

Plaintiff,

:

v.

Case No. 2:23-cv-3147

Judge Sarah D. Morrison

Magistrate Judge Peter B. Silvain,
Jr.

OHIO DEPARTMENT OF
REHABILITATION AND
CORRECTIONS,

:

Defendant.

ORDER

On October 17, 2023, the Magistrate Judge issued a Report and Recommendation recommending that Plaintiff Brian Isiah Holmes, Jr.'s Complaint be dismissed for failure to state a claim, but that Mr. Holmes be granted leave to amend. (ECF No. 4.) Although the parties were advised of the right to file objections to the Magistrate Judge's report and Recommendation, and of the consequences of failing to do so, no objections have been filed. The report and Recommendation is **ADOPTED** and **AFFIRMED**.

Mr. Holmes has since filed an Amended Complaint. (ECF No. 6.) The Clerk is **DIRECTED** to **ACCEPT** that filing as the operative pleading in this case.

IT IS SO ORDERED.

/s/ Sarah D. Morrison

SARAH D. MORRISON

UNITED STATES DISTRICT JUDGE